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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,826	08/20/2003	Spencer B. Dick	PA1 310	7661
23581	7590	03/22/2005	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			BAHTA, KIDEST	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,826	<b>Applicant(s)</b> DICK ET AL.	
	<b>Examiner</b> Kideest Bahta	<b>Art Unit</b> 2125	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 1031.***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaine et al. (U.S. Patent 5,444,635) in view of Caron et al. (U.S. Patent 6,690,990).

Regarding claim 1, Blaine discloses providing a material list for a product (Fig. 3A, element 70); loading the material list into a job manager (column 7, lines 13-21); moving the material list into a spreadsheet (Fig. 9 - Fig. 14), inputting data to the optimizer indicating location of defects in the wood material (column 2, lines 30-40); determining a processing plan for the wood material include, excluded the defects (column 5, lines 6-15) and optimizing use of the remaining material according to the selected field of data (column 6, lines 54-58; column 7, lines 39-40); operating a saw to cut stock material according to data received by the optimizer (Fig. 3B).

Blaine fails to disclose selecting a field in the spreadsheet; downloading the selected field of data to an optimizer; and selecting a piece of wood material for processing; editing data in the selected field prior to the downloading step; the material list includes a cut list of wood dimensions for a product; a mathematical function on selected data in the spreadsheet prior to the downloading step.

However; Caron discloses selecting a field in the spreadsheet (Fig. 9 and Fig. 15), downloading the selected field of data to an optimizer (Fig. 10; column 10, lines 46-60), and selecting a piece of wood material for processing (column 8, lines 19-42, Fig. 3-Fig. 5b); editing data in the selected field prior to the downloading step (column 11, lines 35-38; i.e., download simulation file ... updated data before leaving the session); the material list includes a cut list of wood dimensions for a product (Fig. 9); a mathematical function on selected data in the spreadsheet prior to the downloading step (column 13, lines 15-45).

***Response to Amendment/Response to Arguments***

3. Applicant's arguments with respect to claims 1-2 and 4-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2125

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning communication or earlier communication from examiner should be directed to Kidest Bahta, whose telephone number is (571) 272-3737. If attempts to reach examiner by phone fail, examiner's supervisor, Leo Picard, can be reached (571) 272-3749. Additionally, fax phones for Art Unit 2125 is (703) 746-7239. Any inquiry of a general nature or relating to status of this application should be directed to group receptionist at (703) 305-9600.

Kidest Bahta

A handwritten signature in black ink, appearing to read 'Kidest Bahta', written over a circular stamp or mark.

March 9, 2005